

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RAY MESSMER,  
Plaintiff,  
v.  
JOSEPH LEHMAN,  
Defendant

Case No. C04-5771RBL

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

The Court, having reviewed, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) This action is **DISMISSED** as time barred.
- (3) The Clerk is directed to send copies of this Order to plaintiff, counsel for defendant and to the Hon. J. Kelley Arnold.

DATED this 9<sup>th</sup> day of August, 2005.

Ronald B. Leighton  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE

## ORDER - 1